

Decision **PROPOSED DECISION OF COMMISSIONER FLORIO**  
(Mailed 5/9/2014)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation for the purpose of establishing a list for the fiscal years 2014-2015 and 2015-2016 of existing crossings at grade of city streets, county roads or state highways in need of separation, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the California Streets and Highways Code.

Investigation 13-06-014  
(Filed June 27, 2013)

**DECISION ESTABLISHING THE  
CALIFORNIA GRADE SEPARATION FUND PRIORITY LIST  
FOR FISCAL YEAR 2014 – 2015**

**1. Summary**

This decision establishes the California Grade Separation Fund Priority List for Fiscal Year 2014-2015, as required by Streets and Highways Code Section 2452. In accordance with our adopted procedure, we order Investigation 13-06-014 to remain open until we issue our final decision establishing the California Grade Separation Priority List for Fiscal Year 2015-2016.

**2. Background and Introduction**

We initiated this proceeding by issuing Order Instituting Investigation (I.) 13-06-014 on June 27, 2013, to create the California Grade Separation Program Priority Lists (Priority List) for Fiscal Years (FY) 2014-2015 and 2015-2016. The Priority List establishes the relative priorities for allocation of funds to qualified

projects for eliminating or altering hazardous railroad crossings under Streets and Highways (S&H) Code § 2450 *et seq.* These projects include construction of new grade separations to replace existing at-grade crossings, or alteration or reconstruction of existing grade separations. Section 190 of the S&H Code requires the State's annual budget to include \$15 million for funding these projects.

S&H Code § 2452 requires the California Public Utilities Commission (Commission) to establish the Priority List for projects and furnish it to the California Transportation Commission (CTC) by July 1st of each year for use in the fiscal year beginning on that date. The CTC is responsible for allocating (distributing) the funds to qualified projects, a responsibility it has delegated to the California Department of Transportation (Caltrans).<sup>1</sup>

Every two years, the Commission issues a new Order Instituting Investigation (OII), in which it determines the Priority List for the next two FYs. The Commission adopts the Priority List for the first FY by interim decision issued before that FY begins. The Commission then revises the Priority List for the second FY by deleting projects for which funds were actually allocated in the first, adopting a revised Priority List by final decision before the second FY begins. The two-year funding cycle begins again with the issuance of a new OII for the creation of a new Priority List for the following two FYs.

Our procedure also requires local agencies to furnish planned grade separation project nominations to this Commission in response to an announcement made a year prior to the cycle. The Commission reviews each

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<sup>1</sup> S&H Code § 2453.

nominated project to ensure that it is eligible for the California Grade Separation Program and holds a series of hearings so that nominating agencies may present each proposal, answer questions about its content, and confirm its accuracy. Attendance and participation in these hearings is mandatory for any project proponent. The Commission's Safety and Enforcement Division staff (SED Staff) adjusts the draft priority list in accordance with evidence received at the hearings, and the list is presented to the Commission for adoption by interim decision.

The Priority List is a comparative evaluation of all qualified projects nominated and accepted for inclusion in this investigation, with the priority index value based on one of the two formulas that SED staff uses to rank projects, as published in Appendix 2 of I.13-06-014: one formula for crossings nominated for separation or elimination, and the other for existing grade separations in need of alteration or renovation. The formulas incorporate crossing inventory and accident data submitted in the nomination forms and verified by SED staff. SED staff reviews each application for qualification and creates the prioritized list from the nomination data entered into a Microsoft Excel spreadsheet that calculates the priority index value for each project. Appendix A of this decision shows the 2014–2015 Priority List, by project, in ranking order.

### **3. Establishment of the Fiscal Year 2014-2015 Priority List**

After I.13-06-014 was issued, SED notified railroads, light rail transit agencies, cities, counties, and other interested parties that nominations were due by October 25, 2013, for grade separation projects proposed to be included in the current priority list. SED received a total of 58 timely submitted nominations for

projects to be included in the current list. By ruling issued via electronic mail on January 9, 2014, the assigned Administrative Law Judge (ALJ) established a procedural schedule for the FY 2014-2015 part of the proceeding. After evaluating each nominated project, SED staff produced a preliminary Priority List on February 10, 2014, from the data furnished in the written nominations. The ALJ held hearings in San Francisco and Los Angeles on May 6, 2014 and May 8, 2014, respectively.

At the conclusion of the hearings, the 2014-2015 Priority List was finalized by SED to include 56 nominations: 1) one project did not qualify, and is rejected; 2) one nomination is removed from the 2014-2015 Priority List because its nomination could not be received into the formal record of this proceeding - the nominee's representative did not appear at the evidentiary hearing as scheduled or file a motion requesting receipt of its nomination into the record, resulting in its nomination not being received into the record of I.13-06-014; 3) the ranking of the nominations by the Cities of Burlingame and Corona were adjusted based on updated train counts; and 4) the ranking of the nomination by the City of Montclair was adjusted based on the correction of the Special Condition factor.

As discussed above, the statutory procedure for creating the fiscal year 2014-2015 Priority List was properly followed, and all corrections to the draft were properly made. We therefore adopt the final Priority List developed by SED without change for purposes of allocating funds in the California Grade Separation Fund (see Appendix A to this decision).

#### **4. Categorization and Need for Hearing**

This proceeding has been categorized as quasi-legislative. Hearings were held in accordance with our adopted procedure for establishing the biennial Priority List.

**5. Comments on Proposed Decision**

The proposed decision of Commissioner Florio in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. No comments were received from parties.

**6. Assignment of Proceeding**

Michel Peter Florio is the assigned Commissioner and Seaneen M. Wilson is the assigned ALJ in this proceeding.

**Findings of Fact**

1. Written notification of the opportunity to submit nominations for separation of existing railroad grade crossings, or alteration or reconstruction of existing separations, pursuant to S&H Code § 2451, was given to railroads, light rail transit agencies, cities, counties, and others on the service list compiled at the conclusion of the previous Priority List proceeding, and the notice advised them of the deadline to file a nomination for each grade separation project they sought to include in the FY 2014-2015 Priority List.

2. SED received a total of 58 timely-submitted nominations for projects to be included in the current list.

3. SED staff ranked all nominations accepted in this proceeding in priority, and the methodology utilized by SED to rank the nominations in priority order is that which we have adopted in I.13-06-014.

4. One project did not qualify, so that nomination is rejected.

5. One nomination is removed from the 2014-2015 Priority List because its nomination could not be received into the formal record of this proceeding - the nominee's representative did not appear at the evidentiary hearing as scheduled

or file a motion requesting receipt of its nomination into the record, resulting in its nomination not being received into the record of I.13-06-014.

6. The ranking of the nominations by the Cities of Burlingame and Corona were adjusted based on updated train counts.

7. The ranking of the nomination by the City of Montclair was adjusted based on the correction of the Special Condition factor.

8. The 2014-2015 Priority List was finalized by SED to include 56 nominations.

9. The Priority List attached as Appendix A consists of projects that were received for the record, properly supported, and put in priority order by SED staff in accordance with our adopted methodology in this proceeding.

### **Conclusions of Law**

1. Appendix A should be adopted as the FY 2014-2015 Priority List in this proceeding.

2. The effective date of the Interim Order must be no later than June 30, 2014, in order to comply with S&H Code § 2452.

3. This proceeding should remain open for the purpose of creating the Fiscal Year 2015-2016 Priority List.

**O R D E R**

**IT IS ORDERED** that:

1. Pursuant to California Streets and Highways Code Section 2452, the California Grade Separation Priority List attached as Appendix A is established for Fiscal Year 2014-2015 as the list, in order of priority, of projects which the Commission determines to be most urgently in need of separation, alteration, or reconstruction.

2. The Executive Director shall furnish certified copies of this decision to the California Department of Transportation and the California Transportation Commission by not later than July 1, 2014.

3. Investigation 13-06-014 must remain open until we issue our final decision.

4. Staff must take all necessary actions to establish the California Grade Separation Priority List for Fiscal Year 2015-2016 in a timely manner, as required by law.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

# **Appendix A**

## **California Grade Separation Program Priority List for Fiscal Year 2014 – 2015**



Ran k	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TR N	LTR N	Cost Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ PO F	PT/ AP	OF/ DE	SCF/ SF	Priority Index
1	City of Santa Fe Springs	Rosecrans Ave/Marquardt Ave	002-157.80	027656A	BNSF	31076	133	0	5000	14	5	3	5	10	10	11.0	43.8	12443.1
2	County of Riverside	Magnolia Avenue	002B-20.20D, 002B-20.30, 002B-20.35 & 002B-20.40D	027472A, 026517B, 026518H & 027471T	BNSF	19856	82	0	5000	19	12	6	16	26	20	12.0	91.6	6604.4
3	City of Santa Fe Springs	Norwalk Blvd/Los Nietos Rd	BBJ-497.28 & 002-153.10	027649P& 027650J	BNSF	32634	133	0	10000	12	6	5	10	23	20	13.0	76.8	5719.2
4	Orange County Transportation Authority (Santa Ana)	17th Street	101OR-174.70	026699P	SCRRA	43939	75	0	5000	5	3	2	6	11.0	9	14.5	45.5	4000.0
5	Orange County Transportation Authority (Santa Ana)	Grand Avenue	101OR-176.20	026741L	SCRRA	39399	75	0	5000	3	2	3	7	9.6	9	11.5	42.1	2406.0
6	City of Corona	McKinley Street	002B-21.20	026519P	BNSF	25988	86	0	5000	3	4	1	4	11	5	11.0	36.2	1910.7
7	City of San Mateo	25th Avenue	105E-19.70	754910E	PCJX	11,928	96	0	5000	6	2	1	6	7.2	10	10	36.2	1639.3
8	Alameda Corridor-East Construction Authority (Industry)	Fullerton Road	003-21.40	810880T	UPRR	26449	40	0	5000	5	2	1	6	10	4	9.0	32.3	1301.9
9	Orange County Transportation Authority (Anaheim)	Orangethorpe Avenue	101OR-166.20	026640A	SCRRA	25466	57	0	5000	3	2	3	6	6.0	8	9.0	34.0	1195.2

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10	City of Ontario	San Antonio Avenue	003-37.10 & 001B-519.60	810893U & 746939G	UPPR	9344	72	0	5000	7	6	2	8	13.0	8	10.5	47.5	1123.9
11	Greater Bakersfield Separation of Grade District	Morning Drive (SR 184)	001B-317.50	757413M & 746936L	UPRR	16900	45	0	5000	5	3	3	5	11	0	11.0	32.7	945.3
12	City of Montclair	Monte Vista Avenue	001B-517.40 & 003-35.00	810896P	UPRR	15057	72	0	5000	3	10	4	10	19	10	10.5	63.5	930.8
13	City of Burlingame	Broadway Avenue	105E-15.20	754879V	PCJX	30658	86	0	10000	2	2	0	6	9	10	12	39	922.0
14	Orange County Transportation Authority (Anaheim)	Ball Road	101OR-169.20	026649L	SCRRA	34867	57	0	5000	1	2	2	6	8.6	8	13.5	40.1	835.1
15	Alameda Corridor-East Construction Authority (City of Industry)	Turnbull Canyon Road	003-17.20	810867E	UPRR	13567	40	0	5000	6	2	1	6	12	4	8.5	33.1	792.8
16	Stanislaus County	Claribel Road	002-1094.50	028755B	BNSF	11363	46	0	5000	6	3	3	6	5	4	12.5	33.3	765.0
17	City of Stockton	West Lane	001BEL-82.14	752897L	UPRR	31293	30	0	4000	2	2	1	3	7	4	13.0	29.8	733.9
18	Madera County Road Department	Avenue 12	002-1015.10	028601R	BNSF	13777	42	0	6322	6	2	5	6	4	4	10.5	31.7	672.3
19	City of Lodi	Harney Lane	001BEL-73.84	752902F	UPRR	15,987	39	0	2000	1	3	3	3	7.2	4	10.5	30.7	654.2
20	City of Elk Grove	Grant Line Road	001BEL-53.94	752746W	UPRR	19497	24	0	5000	5	2	5	3	6.0	2	9	27.0	588.5

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21	County of Riverside	Clay Street	003-50.90	906015V	UPRR	16743	37	0	5000	3	2	1	5	7	4	10.0	28.5	524.1
22	Peninsula Corridor Joint Powers Board (City of San Mateo)	Poplar Avenue* Santa Inez Avenue* Monte Diablo Avenue* Tilton Avenue*	105E- 17.20B 105E- 17.30B 105E- 17.40B 105E- 17.50B	754896L 754897T 754898A 754899G	PCJX	17113	100	0	5000	0	38	8	1	30	29	32.0	138.0	480.3
23	City of Coachella	Avenue 52	001B-615.50	760723K	UPRR	13149	39	0	5000	3	4	4	6	9.4	1	14	38.4	448.6
24	County of Los Angeles Department of Public Works	El Segundo Boulevard	001BBH- 492.60 & 084L-10.40	747868R	UPRR/L ACMTA	8352	4	247	5000	7	3	1	2	12	10	9.5	37.5	421.0
25	County of Los Angeles Department of Public Works	Avenue S	101VY- 66.92	750601D	SCRRA	21240	42	0	5000	1	1	5	3	9	4	7.5	29.5	386.3
26	Orange County Transportati on Authority (Santa Ana)	Santa Ana Boulevard	101OR- 175.10	026702V	SCRRA	20655	75	0	5000	0	3	1	3	10	9	13.5	39.5	349.3
27	Orange County Transportati on Authority (Anaheim)	State College Boulevard	101OR- 170.30	026652U	SCRRA	26072	57	0	5000	0	2	2	6	9	8	10.5	37.6	334.8
28	City of Shafter	Lerdo Highway	002-905.13	028390W	BNSF	10600	35	0	5000	3	1	1	6	9	4	9.5	30.3	327.1
29	City of Ontario	Campus Avenue	003-38.30 & 001B-520.70	810907A & 746944D	UPRR	6888	65	0	5000	2	6	4	8	17. 2	8	10.0	53.2	321.8

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30	San Bernardino County Department of Public Works	Vista Road	002-22.00	026068N	BNSF & UPRR	7266	101	0	5000	1	1	5	2	8	1	9.0	26.0	319.5
31	San Bernardino Associated Governments (Colton)	Laurel Street	002B-02.10	026449C	BNSF	3231	102	0	5000	3	5	1	1	10.2	5	9.5	31.7	295.3
32	City of Ontario	Archibald Avenue	003-41.20	810911P	UPRR	9358	27	0	5000	4	2	2	6	13	4	9.5	36.3	289.0
33	City of Sunnyvale	Mary Avenue	105E-37.90	755037B	PCJX	20950	95	0	20000	1	2	1	6	8	10	9.5	36.5	235.5
34	City of Bakersfield	Kratzmeyer Road	002-897.33	028380R	BNSF	2620	37	0	5000	9	2	5	6	8	4	10.5	35.3	229.2
35	City of Ontario	Milliken Avenue	003-43.40	810913D	UPRR	16384	27	0	5000	1	2	4	6	10	4	9.5	35.3	212.3
36	City of Ontario	Grove Avenue*	001B-521.40-B	746956X	UPRR	27351	34	0	5000	6	0	2	2.5	3	2	2.0	17.5	203.5
37	County of Kern	Olive Drive	001B-308.9	756945M	UPRR	21000	20	0	5000	1	2	3	5	8	0	12.0	29.8	197.8
38	City of Bakersfield	Baker St-E.Truxtun Ave.	Consolidation 002-885.77 002-885.95 002-886.20 002-886.40	028284N 028285V 028288R 028289X	BNSF	16820	36	0	20000	3	20	6	0	32	0	13.0	70.9	192.0
39	Orange County Transportation Authority (Orange)	Main Street	101OR-171.50	026655P	SCRRA	13601	57	0	5000	0	1	2	6	7.8	8	12.0	36.8	191.9
40	San Bernardino County	National Trails Hwy @ Oro Grande*	002-30.60-B	026075Y	BNSF	7436	85	0	5000	6	8	5	1.3	7	10	8.0	45.3	171.7

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41	County of Los Angeles Department of Public Works	Sierra Highway at Barrel Springs Road	101VY- 65.58 101VY- 65.77	750600W & 750644W	SCRRA	3179	61	0	5000	2	2	2	12	11	14	7.5	48.9	165.2
42	City of Stockton	Alpine Avenue	001BEL- 81.94	752898T	UPRR	18014	30	0	4000	0	2	2	0	11. 0	4	11.0	30.0	165.1
43	San Bernardino County Department of Public Works	Cherry Avenue*	001B- 529.40-A	746973N	UPRR	18225	42	0	5000	0	0	0	0	2	1	1.0	4.0	157.1
44	San Bernardino Associated Government s (Barstow)	Lenwood Road	002-5.70	026062X	BNSF	4684	100	0	5000	0	5	5	6	9	1	10.0	36.2	129.9
45	County of Kern	Snow Road	001B-307.40	756948H	UPRR	11200	14	0	5000	2	3	3	4	6	0	10.0	26.0	120.0
46	San Bernardino County Department of Public Works	Glen Helen Parkway	001BB- 480.10 & 002-71.00	747017U & 026103A	UPRR & BNSF	1173	98	0	5000	2	4	10	4	19	2	9.0	47.9	116.9
47	City of Ontario	Vineyard Avenue	001B-522.40	746960M	UPRR	11359	38	0	5000	0	2	3	4	5	1	12.5	27.5	113.8
48	City of Newark	Central Avenue	001L-31.10	749943G	UPRR	15457	25	0	5000	0	1	2	4	9	4	9.5	29.6	106.9
49	City of Hayward	Tennyson Road	001D-23.00	749774W	UPRR	27203	30	0	11256	0	1	1	3	6	4	15	30	102.5
50	County of Kern	Reina Road Renfro Road Jenkins Road	002-896.62	028379W	BNSF	1260	37	0	5000	6	1	5	6	4	4	10.0	29.8	95.1
51	County of Kern	Rosedale Highway (SR 58)	103Q- 113.20	029473N	SJVR	49500	7	0	5000	0	1	3	0	2	0	11.0	17.0	86.3
52	Madera	Avenue 9	002-1011.50	028595P	BNSF	6447	42	0	6574	0	2	5	6	8	4	9.0	34.2	75.4

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TR N	LTR N	Cost Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ PO F	PT/ AP	OF/ DE	SCF/ SF	Priority Index
	County Road Department																	
53	County of Kern	Airport Drive*	001B-309.60-B	756943Y	UPRR	25700	13	0	5000	0	0	0	0.1	2.0	2	2.0	6.1	72.9
54	San Joaquin County	Lower Sacramento Road*	001BEL-65.94-B	752925M	UPRR	4234	28	0	5000	10	4	5	1.4	6	5	8.0	39.4	63.1
55	San Bernardino County Department of Public Works	Newberry Road	002-724.80	026044A	BNSF	1083	85	0	5000	0	1	5	7	7.2	1	7.0	28.2	46.6
56	City of Brentwood	Lone Tree Way	001B-59.10	751831H	UPRR	11050	0.14	0	5000	0	1	3	2	5.2	0	6.5	17.7	18.0

**Key to Table Header & Railroads****Key to Table Header & Railroads**

*Note: VEH- Vehicle, TRN – Train, LTRN – Light Rail Trains, COST Share – Project Cost Share (a cost of more than \$5 million is permitted for qualified projects per S&H Code Section 2454 (d) for multi-year funding)*

*Formula For Crossing Nominated For Separation Or Elimination:*

**AH** – Accident History

**BD** – Crossing Blocking Delay

**VS** – Vehicular Speed Limit

**RS** – Rail Speed Limit

**CG** – Crossing Geometrics

**PT** – Passenger trains

**SCF**– Special Conditions Factor

**OF**–Other Factors (Passenger Buses, School Buses, Hazmat Trains/Trucks, Community Impact)

*\*Formula For Existing Separations Nominated For Alteration or Reconstruction:*

**WC** – Width Clearance

**HC**– Height Clearance

**SR** – Speed Reduction

**AS** – Accidents Near Structure

**POF** – Probability of Failure

**AP** – Accident Potential

**DE** – Delay Effects

**SF** - Separation Factor

*Railroad Abbreviations:*

BNSF: The Burlington Northern Santa Fe Railroad Company

LACMTA: Los Angeles County Metropolitan Transportation Authority

PCJX: Peninsula Corridor Joint Powers Board (Caltrain)

PHL: Pacific Harbor Line

SCRRA: Southern California Regional Rail Authority (Metrolink)

SJVR: San Joaquin Valley Railroad

UPRR: Union Pacific Railroad Company

BNSF: The Burlington Northern Santa Fe Railroad Company